

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	3:13-cr-00046-RLY-CMM-4
vs.)	
)	
JAMES COY,)	
Defendant)	

REPORT AND RECOMMENDATION

On March 18, 2021, the Court held an initial hearing on the Petition for Warrant for Offender Under Supervision filed on March 10, 2021. James Coy (“Defendant”) appeared with FCD counsel, William Dazey. The Government appeared by Lauren Wheatley, Assistant United States Attorney. U. S. Probation appeared by Officer Justin Driskill. The hearing was conducted via video online with the consent of the defendant.

The parties advised the Court at the outset of the hearing that an agreement was reached by which the defendant would admit Violation #2 and #3 in the petition Docket No. [478] and the Government would dismiss Violation #1.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant waived his right to a preliminary hearing. The defendant was advised that this matter had been referred by the District Judge and that the District Judge has final authority whether to accept, reject, or modify the recommendation.

2. After being placed under oath, Defendant admitted Violations No. 2 and No. 3. Docket No. [478].

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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2.	"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."
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As previously reported to the Court on December 10, 2020, and February 10, 2021 James Coy tested positive for Amphetamine. Mr. Coy admitted to ingesting Methamphetamine on both occasions.

3.	"The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons."
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Mr. Coy has been unemployed since the start of supervision on 9/18/2020.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **B** violation.
- (b) Defendant's criminal history category is **VI**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **21 - 27** months imprisonment.

5. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

- (a) The Defendant violated the supervised release condition as alleged in Violation #2 and #3;

- (b) Violation #1 shall be dismissed;

- (c) Consistent with the proposed agreement from the parties, the Magistrate Judge recommends that the defendant be sentenced to incarceration for a period of 12

months and 1 day after which a period of 30 months of supervised release. Upon resumption of supervised release, the defendant shall be placed in community confinement for a period of 60 days as directed by the Probation Officer;

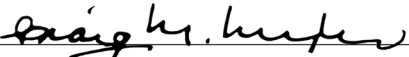
(d) The agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge with the Magistrate Judge's recommendation for sentencing.

(e) The defendant requested, and the Court concurs, that final disposition in this matter should include a request to the U.S. Bureau of Prisons for placement in a facility nearest to Washington, Indiana and consistent with the Bureau's determination of the defendant's security status.

Defendant shall remain in custody pending the District Judge's action on this Report and Recommendation.

The parties waived the 14-day period within which to file objections to this report and recommendation.

Dated: March 18, 2021


CRAIG M. McKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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